

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DEMOS P. DEMOPOULOS, et al.,	:	
	:	
Plaintiffs,	:	
	:	21-cv-7923 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
ROLLIN DAIRY CORP.,	:	
	:	
Defendant.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On December 9, 2021, after Defendant failed to appear in this action, and pursuant to Plaintiffs’ request, I entered an Order to Show Cause as to why default judgment against Defendant should not be entered in this action. (Doc. 20, “OTSC.”) The OTSC scheduled a hearing for February 10, 2022 at 3:00 pm, and it directed Plaintiffs to make “personal service” on Defendants. (*See id.*)

I am in receipt of Plaintiffs’ Affidavit of Service of the OTSC. (Doc. 21.) The affidavit says Sean Warner served the OTSC on Defendant on December 27, 2021, “by delivering to and leaving with Nancy Dougherty, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York,” two copies of the OTSC together with copies of the papers upon which it was granted. (*Id.*)

I do not view this service as consistent with my directions in the OTSC. Plaintiffs have alleged that Defendant “maintains and/or maintained its principal place of business at 1320 Motor Parkway, Islandia, New York 11749.” (Doc. 1, at ¶ 8.). Accordingly, it is hereby

ORDERED that service of the OTSC together with copies of the papers upon which it was granted shall be served upon the Defendant on or before January 13, 2022 via hand delivery either to the address of 1320 Motor Parkway, Islandia, New York 11749, or, if Plaintiffs believe they know a better address for notifying Defendant of service (other than the address of the Office of the Secretary of State), at that address, which Plaintiffs must ensure is specified in an affidavit or other document sufficient to prove service.

IT IS FURTHER ORDERED that Plaintiffs shall file such proof of service on or before January 20, 2022.

IT IS FURTHER ORDERED that if Plaintiffs believe that service as directed herein is not possible, they must file a letter explaining and describing the obstacles to service on or before January 10, 2022.

SO ORDERED.

Dated: January 4, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick  
United States District Judge